

Expéditeur : le BUREAU INTERNATIONAL

PCT

NOTIFICATION DE TRANSMISSION DE COPIES
DE LA TRADUCTION DU RAPPORT D'EXAMEN
PRÉLIMINAIRE INTERNATIONAL
SUR LA BREVETABILITÉ (CHAPITRE I OU CHAPITRE II
DU TRAITE DE COOPERATION EN MATIERE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)

Destinataire :

LES LABORATOIRES SERVIER
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FRANCE

RECULE
14 NOV 2006

Date d'expédition (jour/mois/année) 09 novembre 2006 (09.11.2006)	
Référence du dossier du déposant ou du mandataire 71084-OX	NOTIFICATION IMPORTANTE
Demande internationale n° PCT/FR2005/000755	Date du dépôt international (jour/mois/année) 30 mars 2005 (30.03.2005)
Déposant LES LABORATOIRES SERVIER etc	

1. Transmission de la traduction au déposant.



Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre I).



Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre II).

2. Transmission d'une copie de la traduction aux offices désignés ou élus.

Le Bureau international notifie au déposant qu'une copie de cette traduction a été transmise aux offices désignés ou élus suivants qui exigent la traduction en question:

Aucun

Les offices désignés ou élus suivants ayant renoncé à l'exigence selon laquelle la transmission doit être effectuée à cette date recevront une copie de cette traduction du Bureau international seulement à leur demande:

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3. Rappel concernant la traduction dans la ou l'une des langues officielles de l'office ou des offices élus.

Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élu, cette traduction doit comporter la traduction de toute annexe du rapport préliminaire international sur la brevetabilité (chapitre II).

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du Guide du déposant du PCT pour de plus amples renseignements.

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Genève 20, Suisse	Fonctionnaire autorisé Athina Nickitas-Etienne
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TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ

(chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire 71084-OX	POUR SUITE À DONNER	Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2005/000755	Date du dépôt international (<i>jour/mois/année</i>) 30 March 2005 (30.03.2005)	Date de priorité (<i>jour/mois/année</i>) 31 March 2004 (31.03.2004)
Classification internationale des brevets (8 ^e édition, sauf indication d'une #dition ant#rieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant LES LABORATOIRES SERVIER		

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 6 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

- | | | |
|-------------------------------------|---------------|---|
| <input checked="" type="checkbox"/> | Cadre n° I | Base de l'opinion |
| <input type="checkbox"/> | Cadre n° II | Priorité |
| <input type="checkbox"/> | Cadre n° III | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle |
| <input type="checkbox"/> | Cadre n° IV | Absence d'unité de l'invention |
| <input checked="" type="checkbox"/> | Cadre n° V | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input type="checkbox"/> | Cadre n° VI | Certains documents cités |
| <input type="checkbox"/> | Cadre n° VII | Certaines irrégularités relevées dans la demande internationale |
| <input checked="" type="checkbox"/> | Cadre n° VIII | Certaines observations relatives à la demande internationale |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 338 82 70	Date d'établissement du présent rapport 01 November 2006 (01.11.2006) Fonctionnaire autorisé <p style="text-align: center; font-weight: bold;">Athina Nickitas-Etienne</p> e-mail: pt04@wipo.int
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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference 71084-OX		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/FR2005/000755	International filing date (day/month/year) 30.03.2005	Priority date (day/month/year) 31.03.2004	
International Patent Classification (IPC) or both national classification and IPC A61 K31/428, A61K31/15, A61 P3/04			
Applicant LES LABORATOIRES SERVIER			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2005/000755

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/FR2005/000755

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-16</u>	YES
	Claims	<u>-</u>	NO
Inventive step (IS)	Claims	<u>-</u>	YES
	Claims	<u>1-16</u>	NO
Industrial applicability (IA)	Claims	<u>1-16</u>	YES
	Claims	<u>-</u>	NO

2. Citations and explanations:

1. Reference is made to the following documents:

D1: WO 01/57002 A (BLANC DELMAS ELODIE; DACQUET CATHERINE (FR); GUILLAUMET GERALD (FR);) 9 August 2001 (2001-08-09)

D2: PATENT ABSTRACTS OF JAPAN vol. 2003, no. 08. 6 August 2003 (2003-08-06) & JP 2003 116487 A (BEVERLY CORPORATION: KK), 22 April 2003 (2003-04-22)

2. The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 1-16 does not involve an inventive step as defined in PCT Article 33(3).

Document **D1**, which is considered to be the closest prior art, describes the use of heterocyclic compounds claimed by the present application as blood-glucose-lowering and blood-lipid-lowering agents and shows their use in the treatment of obesity and diabetes (page 15, line 17; page 16, lines 6-8; claim 1).

Therefore, the subject matter of the present application differs from the teachings of D1 in that the heterocyclic compounds are combined with an antioxidant, in particular coenzyme Q₁₀ or vitamin E.

The problem to be solved, as proposed by the present

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2005/000755

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

invention, can thus be considered to be that of the provision of other pharmaceutical compounds which can be used for the treatment of obesity and diabetes.

The solution, as proposed in the present application, is not considered to be inventive (PCT Article 33(3)) for the following reasons: document **D2** discloses the use of a nutritive composition containing coenzyme Q₁₀ in the treatment of obesity (abstract).

Therefore, the features described in documents D1 and D2 would be combined by a person skilled in the art, without showing an inventive mind, in order to solve the stated problem. The solution, as proposed in the present application, thus cannot be considered to involve an inventive step (PCT Article 33(3)).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2005/000755

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claims 1 and 8 are not clear and fail to comply with the requirements of PCT Article 6 in so far as the subject matter for which protection is sought has not been clearly defined (**"derivative which promotes lipid and carbohydrate metabolisms"**). As it is specified, the present functional definition does not allow a person skilled in the art to determine which technical features are necessary for the realization of the function.